

REMARKS/ARGUMENTS

Claims 1-3, 7-14, and 20-26 are currently pending. New claims 27-33 are added. No new matter has been introduced.

GREGORY '567 CANNOT BE COMBINED WITH CHIASSON '513

The Examiner rejected claims 1-3, 7-14, and 20-26 under 35 U.S.C. 103 (a) as being unpatentable over Gregory '567 in view of Chiasson '513. There is no motivation to combine the cited references. As one example, the Gregory reference highlights having separate merchant content servers and a transaction server. As stated in the abstract of Gregory, the separation of transaction functionality and merchant content onto separate servers under the control of a commerce service provider and a merchant respectively, provides a more efficient and effective way of carrying out electronic commerce over a network. Additionally, embodiments of the Gregory system have a plurality merchant content servers (spokes) coupled to a common transaction server (hub) which processes transactions from multiple merchants (similar to a spoke-and-hub ^{merchant} configuration). Buyers place orders with the individual merchant content servers which then direct the order to the common transaction server for processing. Orders flow inward from the merchant content servers to the common transaction server.

This is in conflict with the Chiasson reference which discusses having a transaction service program 50 that sends orders to the merchant computer 60 which runs an e-commerce program 62 to process the orders (Figure 1 of Chiasson). The flow of orders is outward, from the hub to the individual merchant computers which processes the orders. It appears to Applicants that the merchant computer 60 in Chiasson processes the order transaction (and hence each includes the e-commerce program 62). Thus, the merchant server includes transaction processing. This conflicts with the stated desire of Gregory which wants to separate the merchant server from the transaction processing for orders. Per MPEP 2145(X)(D)(2), references cannot be combined where a reference teaches away from their combination. Examiner's proposed combination conflicts with the proposed solution provided in Gregory. Here, there is no motivation to modify the Gregory reference with Chiasson since Chiasson advocates a system in conflict with the teachings of Gregory.

*Chiasson
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teach
shopping cart*

Additionally, even if the references were combined, the references would not result in the claimed invention. Modifying Gregory to have a Chiasson e-catalog would result in orders being sent from the server with the Chiasson e-catalog to individual merchant servers, which in Gregory would not have the e-commerce programs to process those transactions. The teachings of Chiasson would send the orders to the wrong servers in Gregory (i.e. the merchant content servers). To Applicants, the Gregory/Chiasson combination would appear to be **non-functional**. Thus, with respect to claim 1, the resulting system not relieve individual vendor websites from the burden of setting up and maintaining at least a portion of certain facilities since orders from Chiasson would be sent to the individual merchant website who would in turn need to implement their own e-commerce programs to process the transactions. Without using the teachings of the present invention, the Chiasson reference would not modify Gregory to create the claimed invention.

Furthermore, amended claim 7 now recites having at least a product database containing at least a product database containing detailed descriptions of products to be sold from the plurality of vendors. Such a feature is not shown or suggested in the cited references. This advantageously allows for vendors without websites or an internet presence to sell products over the Internet. As described on page 14, lines 9-12, such a vendor can receive their orders through non-web methods such as mail and fax. The Gregory reference, on the other hand, is a "link-off" type website where detailed product description are stored at individual merchant websites and would teach against the present feature. Gregory does not allow vendors who do not have a website to sell products through their solution. Chiasson does not discuss a product database as recited and does not cure the deficiencies of Gregory.

With regards to amended claim 12, the Gregory/Chiasson combination would result in a universal shopping cart that is not implemented on a central facility that includes a datastore where vendors store descriptions of their products. Instead, the checkout in Chiasson would store the cart on a server that does not have the vendor product data stored onto that server (Figure 1). Chiasson may allow a user to create an e-catalog, but that e-catalog is not stored at a site that a vendor uses to sell its products. It does not show the invention of claim 12 where a multi-vendor checkout cart is centrally implemented at a site that is also used to sell products from multiple vendors.

The Chiasson reference does not relieve individual vendor websites from the burden of setting up and maintaining at least a portion of certain facilities contained on a centrally implemented datastore. Chiasson is an end-user product and does not relate to facilitating website implementation by vendors.

Additionally, Applicant notes that the paragraph 105 in Chiasson cited by the Examiner discusses bill payment and is not part of the shopping module of Chiasson. It does not relate to a checkout process to buy products. The section described by the Examiner is in a separate module from the e-catalog used for buying products.

For at least the above reasons, the references are not combinable and even if combined, do not show or suggest the claimed invention. Accordingly, claims 1, 7, 12, and their dependent claims are in condition for allowance.

THE CLAIMS ARE ALLOWABLE OVER IMAMURA, WOLFE AND BINN

The Examiner rejected claims 7 and 12 under 5 U.S.C. 103 (a) as being unpatentable over Imamura et al '600 in view of Wolfe et al and Binn et al. Neither Imamura et al. nor Wolfe disclose or suggest the added feature of a checkout logic that provides costs for the items selected from the plurality of vendors, where the costs include tax and shipping costs and where a single checkout procedure provides for the purchase of items selected from the plurality of vendors. Additionally, the Wolfe et al reference does not have a single checkout procedure that provides for the purchase of items selected from the plurality of vendors. Wolfe requires the sales vendor to contact the buyer to close the deal. Amended claims 7 and 12 overcome the cited references.

For example, amended claim 7 now recites that the shopping cart is centrally implemented and is a persistent storage structure that is capable of holding items for purchases that have been selected by the consumer from a plurality of vendor websites until those items are checked out. Claim 7 also recites at least a product database containing detailed product descriptions from the plurality of vendors and representing at least some of the products offered for sale by participating vendors.

In amended claim 12, the cited references fail to show a conveyance logic wherein if the MV-ICS acts as the merchant of record, the checkout logic will debit consumer's credit card or

account or, if the merchants of record are the vendors themselves, conveyance logic will transmit the payment data to the vendors so that the amount of purchased from each vendor may be debited. For at least these reasons, claims 7 and 12 are not made obvious by Imamura in view of Wolfe.

NEW CLAIMS ARE ALLOWABLE OVER CITED REFERENCES

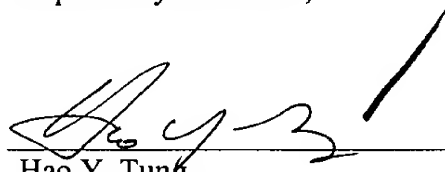
Newly introduced claims 27-33 are also allowable over the cited references. For example, claim 27 recites a database in the MV-SD with detailed product information for products from different vendors. Claim 27 also provides one website that allows consumers to buy products from multiple vendors without having to leave the one website to view detailed product information from different vendors and without having to enter another vendor website to add products from different vendors into the universal shopping cart. For at least these reasons, claims 27 and its dependent claims are allowable over the cited references.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 324-7000.

Respectfully submitted,

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